

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ERIC LYONS,	:	Civil No. 1:12-CV-1357
	:	
Plaintiff,	:	
	:	
v.	:	(Judge Conner)
	:	
JOHN WETZEL, et al.,	:	(Magistrate Judge Carlson)
	:	
Defendants.	:	

MEMORANDUM AND ORDER

The background of this order is as follows:

The plaintiff, a state prisoner, commenced this action by filing a *pro se* complaint, (Doc. 1.), which we screened and found wanting. (Doc. 13.) The plaintiff now seeks to file an amended complaint prior to service of any pleadings on the defendants, (Doc. 15.), and has tendered a proposed amended complaint. Such motions are governed by Rule 15(a) of the Federal Rules of Civil Procedure, which strongly favors amendment of pleadings at the outset of litigation. Rule 15(a), F.R. Civ. P. In this case the plaintiff timely sought leave to amend. Therefore, the plaintiff should be granted leave to amend this complaint under Rule 15. Of course, nothing in this decision implies any views on the ultimate merits of the issues raised in the amended complaint, an issue that will be reserved for another time.

Accordingly, for the foregoing reasons, IT IS ORDERED that the plaintiff's motion for leave to amend (Doc. 15.) is GRANTED, the plaintiff's motion for leave to proceed *in forma pauperis*, (Doc. 2.) and motion for service (Doc. 20.), are also GRANTED and the Clerk of Court is directed to serve plaintiff's amended complaint in accordance with F.R.C.P. 4.¹ The defendants are requested to waive service pursuant to Rule 4(d).

SO ORDERED, this 30th day of January 2013.

/s/ **Martin C. Carlson**

Martin C. Carlson

United States Magistrate Judge

¹The Marshal will send the form Notice of Lawsuit and Request for Waiver of Service of Summons to each defendant.